

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

JOHN DOE,

Plaintiff,

V.

THE UNIVERSITY OF TEXAS AT ARLINGTON; STEFAN ANTON ROMANOSCHI, *individually and in his official capacity*; DAYNA FORD, *individually and in her official capacity*; JANELLE HERRON, *individually and in her official capacity*; and R. STEPHEN GIBBS, *individually and in his official capacity*

Defendants.

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CASE NO. 4:21-cv-581

## DEFENDANTS' NOTICE OF REMOVAL

Defendants, the University of Texas at Arlington, Stefan Anton Romanoschi, individually and in his official capacity, Dayna Ford, individually and in her official capacity, Janelle Herron, individually and in her official capacity, and R. Stephen Gibbs, individually and in his official capacity and respectfully show that:

1.       **Removal Provision:** This removal is pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1367(a). Plaintiff John Doe asserts a federal claim under 42 U.S.C. § 1981, 1983, and 1988 for violation of due process and equal protection provisions of the United States Constitution, Petition at 6, invoking this Court’s federal-question jurisdiction. *See* 28 U.S.C. §§ 1331, 1441(a). Plaintiff also alleges similar claims under the Texas Constitution, Petition at 6, which invokes this Court’s supplemental jurisdiction. 28 U.S.C. §1367(a).

2. **State Action:** This action was initially filed in the 153rd Judicial District Court of Tarrant County, Texas, on March 9, 2021, in Cause No. 323924-21. All of the Defendants have been served with this lawsuit. Plaintiff is John Doe. Defendants are The University of Texas at Arlington, Stefan Anton Romanoschi, individually and in his official capacity, Dayna Ford, individually and in her official capacity, Janelle Herron, individually and in her official capacity, and R. Stephen Gibbs, individually and in his official capacity. Venue is proper in the United States District Court for the Northern District of Texas, Fort Worth Division.

3. **Nature of the Lawsuit:** Plaintiff alleges that Defendant UT Arlington's decision to suspend him from the University after he was found to have cheated on an exam, in the alternative, deprived him of his right to substantive and procedural due process or equal protection under the United States and Texas Constitutions. *See generally* Pl.'s Pet. Plaintiff seeks declaratory and injunctive relief as well as damages.

4. **Jury Demand:** Plaintiff requests a trial by jury in his Original Petition and Application for Temporary Injunction and Permanent Injunction.

5. **Removal Requirements of 28 U.S.C. § 1441:** This action is a civil action raising a federal question of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants, pursuant to the provisions of 28 U.S.C. § 1441(a). Venue is proper in the United States District Court for the Northern District of Texas, Fort Worth, Division.

6. **Compliance with Deadline** All of the Defendants were served with Plaintiff's Original Petition on March 23, 2021. Thus, Defendants file this notice of removal before the 30-day time required by 28 U.S.C. 1446(b). *See Bd. Of Regents of Univ. of Texas Sys v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274 (5<sup>th</sup> Cir. 2007). Therefore, this removal is timely.

8. **State Court Pleadings:** Defendants are filing concurrently with this notice, as required by Local Rules and 28 U.S.C. § 1446(a), a true and correct copy of all pleadings obtained by Defendants in the state court action.

ACCORDINGLY, Defendants pray that this cause be removed to the United States District Court Northern District of Texas, Fort Worth Division, pursuant to 28 U.S.C. § 1441(a).

Respectfully submitted.

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**COUNSEL FOR DEFENDANTS**

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2021, the foregoing document was delivered by electronic filing to the following:

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